

STATE OF INDIANA – COUNTY OF CLARK
IN THE CLARK CIRCUIT AND SUPERIOR COURTS

**Notice of Proposed Local Rule Amendment
for the Courts of Record of Clark County
June 1, 2011**

In accordance with Trial Rule 81(B), the Clark Circuit and Superior Courts hereby give notice to the bar and the public that the Courts propose to amend the local rule at LR 10-AR 00-14 setting forth Court Reporter Services/Fees. All new text is shown by underlining and deleted text is shown by ~~striketrough~~. Supreme Court approval is required for the amendments and may not take effect until approved by the Supreme Court.

In accordance with Trial Rule 81(B), the time period for the bar and the public to comment shall begin on June 1, 2011 and shall close on July 1, 2011. The proposed amendments to the rule will be submitted to the Indiana Supreme Court for approval by August 1, 2011, and **the effective date of the rule is upon approval by the Indiana Supreme Court.**

Comments by the bar and the public should be made in writing and mailed to:

Hon. Vicki Carmichael, Judge of Clark Superior Court No. 1, Attn: Public Comment on Local Rules, Clark County Government Building, 501 E. Court Avenue, Jeffersonville, IN 47130.

A paper copy of the proposed amended local rule will be made available for viewing in the office of the Clerk of Clark County, Clark County Government Building, 501 E. Court Avenue, Jeffersonville, IN 47130 during normal business hours. Persons with Internet access may view the proposed amended local rule at the following website:

<http://www.in.gov/judiciary/rules/local>

Daniel E. Moore, Judge
Clark Circuit Court

Vicki L. Carmichael, Judge
Clark Superior Court No. 1

Jerry F. Jacobi, Judge
Clark Superior Court No. 2

Joseph P. Weber, Judge
Clark Superior Court No. 3

RULE 14
[LR10-AR00-14]
COURT REPORTER SERVICES/FEEES
AND
ALCOHOL AND DRUG PROGRAM FEES

A. Definitions. The following definitions shall apply under this Local Rule:

[1] *Court Reporter* - a person who is specifically designated by a court to perform the official court reporting services for the court including preparing a transcript of the record.

[2] *Equipment* - physical items owned by the court or other governmental entity and used by a court reporter in performing court reporting services. Equipment shall include, but not be limited to, telephones, computer hardware, software programs, disks, tapes, and any other device used for recording and storing, and transcribing electronic data.

[3] *Work space* - that portion of the court's facilities dedicated to each court reporter, including but not limited to actual space in the courtroom and any designated office space.

[4] *Page* - the page unit of transcript which results when a recording is transcribed in the form required by Indiana Rule of Appellate Procedure 7.2.

[5] *Recording* - the electronic, mechanical, stenographic or other recording made as required by Indiana Rule of Trial Procedure 74.

[6] *Regular hours worked* - those hours which the court is regularly scheduled to work during any given work week. Depending on the particular court, these hours may vary from court to court within the county but remain the same for each work week.

[7] *Gap hours worked* - those hours worked that are in excess of the regular hours worked but not in excess of forty (40) hours per work week.

[8] *Overtime hours worked* - those hours worked in excess of forty (40) hours per work week.

[9] *Work week* - a seven (7) consecutive day week that consistently begins and ends on the same days throughout the year, i.e. Sunday through Saturday, Wednesday through Tuesday, Friday through Thursday.

[10] *Court* - the particular court for which the court reporter performs services. Court may also mean all the courts in Clark County.

[11] *County indigent transcript* - a transcript that is paid for from county funds and is for the use on behalf of a litigant who has been declared indigent by a court.

[12] *State indigent transcript* - a transcript that is paid for from state funds and is for the use of a litigant who has been declared indigent by a court.

[13] *Private transcript* - a transcript, including but not limited to a deposition transcript, which is paid for by a private party.

B. Salaries. Court reporters shall be paid an annual salary for time spent working under the control, direction and direct supervision of their supervising court during any regular work hours, gap hours or overtime hours. The supervising court shall enter into a written agreement with the court reporters which outlines the manner in which the court reporter is to be compensated for gap and overtime hours, i.e. monetary compensation for compensatory time off regular work hours.

C. Per Page Fees. The maximum per page fee a court reporter may charge for the preparation of a county indigent transcript shall be five dollars and fifty cents (\$5.050) per page. The court reporter shall submit a claim directly to the county for the preparation of any county indigent transcripts. The maximum per page fee a court reporter may charge for the preparation of a state indigent transcript shall be five dollars and fifty cents (\$5.050) per page. The maximum per page fee a court reporter may charge for the preparation of a private transcript shall be five dollars and fifty cents (\$5.050) per page. The Index and Table of Contents pages may be charged at the per page rate being charged for the rest of the transcript.

If the Court Reporter is requested to prepare an expedited transcript, the maximum per page fee shall be ~~ten (\$10.00)~~ twelve dollars and fifty cents (\$12.50) per page when the transcript the transcript must be prepared within 24 hours or less, and ~~seven dollars and fifty cents (\$7.50)~~ ten dollars (\$10.00) per page when the transcript must be prepared within three working days. Index and Table of Contents will be charged at the same rate as the other pages.

D. Minimum Fee. A minimum fee of ~~fifty dollars (\$50.00)~~ seventy-five dollars (\$75.00) will be charged for transcripts less than ~~seven (7)~~ ten (10) pages in length.

E. Binding Fees. An additional labor charge approximating an hourly rate based upon the court reporter's annual court compensation shall be added to the cost of the transcript for the time spent binding the transcript and exhibit binders.

F. Office Supplies. A reasonable charge may be made for the costs of office supplies required and utilized for the preparation of the transcript, the binding of the transcript, and the electronic transmission of the transcript. This charge shall be based upon the Schedule of Transcript Supplies annually established and published by the judges of the courts of record of the county.

G. Annual Report Requirement. Each court reporter shall report, at least on an annual basis, all transcript fees received for the preparation of county indigent, state indigent or private transcripts to the Indiana Supreme Court Division of State Court Administration. The reporting shall be made on forms prescribed by the Division of State Court Administration.

H. Private Practice. If a court reporter elects to engage in private practice through the recording of a deposition and/or preparing a deposition transcript, all such private practice work shall be conducted outside regular working hours.

If a court reporter engages in such private practice and the court reporter desires to utilize the court's equipment, work space and supplies, and the court agrees to the use of the court equipment for such purpose, the court and the court reporter shall enter into a written agreement which must, at a minimum, designate the following:

- [1] the reasonable market rate for the use of equipment, work space and supplies;
- [2] the method by which records are to be kept for the use of equipment, work space and supplies; and
- [3] the method by which the court reporter is to reimburse the court for the use of the equipment, work space and supplies.

I. Disk as Official Record. Upon the filing of a written request or praecipe for transcript, the court reporter shall transcribe any court proceeding requested and produce an original paper transcript along with an electronically formatted transcript. Multiple disks containing the electronically formatted transcript shall be prepared and designated as "Original Transcript" "Court Reporter's Copy" and "Court's Copy." Each disk shall be labeled to identify the case number, the names of the parties, the date completed, the court reporter's name, and the disk number if more than one disk is required for a complete transcript. The court's copy of the electronic transcript shall become the official record of the court proceeding, in lieu of a paper copy of the transcript, and shall be retained in the court where said proceeding was held. The court reporter's copy shall be retained by the court reporter. The original paper transcript along with the disk designated as the original transcript shall be forwarded to the Clerk if the transcript was prepared for purposes of appeal. If the transcript was not prepared for purposes of appeal, the original paper transcript shall be delivered to the requesting party.

J. Alcohol and Drug Program Fees. The schedule of fees set forth under Indiana Code 33-37-4-1 and Indiana Code 35-38-2-1 shall be applicable in all court alcohol and drug program services.